

FILED

OCT 28 2021

CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
CLEVELAND

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

CAREY N. POWELL,  
MYISHA TATE,

Defendants.

) INDICTMENT

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CASE NO.

1:21-CR-761  
Title 18, United States Code,  
Sections 922(a)(6), 924(a)(2),  
and 2

COUNT 1

(False Statement During Purchase of a Firearm, 18 U.S.C. §§ 922(a)(6), 924(a)(2), and 2)

The Grand Jury charges:

1. On or about March 9, 2021, in the Northern District of Ohio, Eastern Division, defendants, CAREY N. POWELL and MYISHA TATE, in connection with the acquisition of a firearm, specifically a Glock, Model 19, semi-automatic 9mm pistol, bearing serial number BSKH643, from Atlantic Gun and Tackle, located at 5425 Northfield Road, Bedford Heights, Ohio 44146, a licensed dealer of firearms within the meaning of Chapter 44, Title 18, United States Code, knowingly made a false and fictitious written statement to Atlantic Gun and Tackle, which statement was intended and likely to deceive Atlantic Gun and Tackle, as to a fact material to the lawfulness of such sale of the said firearm to TATE under Chapter 44 of Title 18, in that TATE represented that she was the actual buyer of the firearm when, in fact, TATE purchased the firearm for POWELL; in violation of Title 18, United States Code, Sections 922(a)(6) and 924(a)(2).

COUNT 2

(Felon in Possession of a Firearm, 18 U.S.C. §§ 922(g)(1) and 924(a)(2))

The Grand Jury further charges:

1. On or about June 5, 2021, in the Northern District of Ohio, Eastern Division, Defendant CAREY N. POWELL, knowing he had previously been convicted of a crime punishable by imprisonment for a term exceeding one year, that being: Possession of Heroin, a felony in the fourth degree, on or about June 8, 2020, in Case Number 18-CR-000680, in Lake County Court of Common Pleas, knowingly possessed in and affecting interstate commerce a firearm and ammunition, to wit; a Glock, Model 19, semi-automatic 9mm pistol, bearing serial number BSKH643 and ammunition, said firearm and ammunition having been shipped and transported in interstate commerce, in violation of Title 18, United States Code, Sections 922(g)(1) and 924(a)(2).

COUNT 3

(Possession of Firearm by Person with Prior Misdemeanor Domestic Violence Conviction, 18 U.S.C. §§ 922(g)(9) and 924(a)(2))

The Grand Jury further charges:

1. On or about June 5, 2021, in the Northern District of Ohio, Eastern Division, Defendant CAREY N. POWELL, knowing he had previously been convicted of a misdemeanor crime of Domestic Violence, that being: Domestic Violence, on or about June 8, 2020, in Case Number 18-CR-000680, in Lake County Court of Common Pleas, knowingly possessed a firearm and ammunition, to wit; a Glock, Model 19, semi-automatic 9mm pistol, bearing serial number BSKH643, said firearm and ammunition having been shipped and transported in interstate commerce, in violation of Title 18, United States Code, Sections 922(g)(9) and 924(a)(2).

FORFEITURE

The Grand Jury further charges:

4. For the purpose of alleging forfeiture pursuant to Title 18, United States Code, Section 924(d)(1), and Title 28, United States Code, Section 2461(c), the allegations of Counts 1 through 3 are incorporated herein by reference. As a result of the foregoing offenses, Defendants CAREY N. POWELL and MYISHA TATE shall forfeit to the United States any and all firearms and ammunition involved in or used in the commission of the violations charged in Counts 1 through 3; including, but not limited to, the following: a Glock, Model 19, semi-automatic 9mm pistol, bearing serial number BSKH643, and ammunition.

A TRUE BILL.

Original document - Signatures on file with the Clerk of Courts, pursuant to the E-Government Act of 2002.